

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1805 OF 2000

Shridhar Tukaram Gurav

Waghmare deceased through the legal heir

Shri Prabhakar Shridhar Waghmare : Petitioner.

Versus

Mahadeo Jairam Thorve

since deceased through his L.H.

Shivaji M Thorave and ors. : Respondents.

Mr. Prathamesh B Bhargude i/by Mr. A V Anturkar for the Petitioner.

Mr. Vilas B Tapkir for the Respondent Nos.1A to 1C.

Mr. Sandeep S Salunkhe for the Respondent No.9

CORAM : R. M. SAVANT, J.

DATE : 09th June 2015

P.C.

1 At the outset the learned counsel appearing for the Petitioner is directed to carry out amendment in the cause title of the above Petition so as to array the subsequent purchaser represented by the learned counsel Shri Salunke whose Civil Application has already been allowed as party Respondent No.9 to the above Petition. Amendment to be carried out forthwith.

2 The above Petition is appearing in the caption of directions. However, by the consent of the learned counsel for the parties the above Petition is taken up for hearing.

3 The above Writ Petition takes exception to the order dated

6/1/2000 passed by the Maharashtra Revenue Tribunal, Pune in Revision Application bearing MRT-P-IX-2/91 (B-203/91) by which order the said Revision Application filed by the Respondent No.1 herein for restoration of the land in question came to be allowed by setting aside the orders passed by the Tahsildar and the Sub Divisional Officer rejecting the application for restoration.

4 The above Petition has been admitted on 12/10/2000 and interim relief in terms of prayer clause (b) has been granted. In view of the said interim relief granted, the order passed by the Maharashtra Revenue Tribunal has been stayed.

5 The above Writ Petition is appearing in the caption "Direction" as on 30/3/2015 the learned counsel for the parties had made a statement that the parties are exploring the possibility of settlement of the dispute involved in the above Petition. Today the learned counsel appearing on behalf of the Respondent No.1 Shri Vilas Tapkir tenders a letter bearing today's date i.e. 9/6/2015 addressed by the Respondent Nos.1(A) to 1(C) who are the heirs of the original Respondent No.1 that they are desirous of withdrawing the Application No.3/1986 and that they have no objection if the Petition is allowed in favour of the Petitioner in terms of prayer clause (a).

6 The said Respondent Nos.1(A) to 1(C) are personally present in Court and have been identified by the learned counsel for the Petitioner on the basis of the Identity Cards issued by the Election Commission of India. The said Respondents when put into the box and queried have stated that they have addressed the said letter to the learned counsel Shri Vilas Tapkir of their own free will and volition, and that the contents of the said letter are acceptable to them. They further stated that they have given instructions to the learned counsel Shri Vilas Tapkir in terms of the said letter dated 09/06/2015. The said letter dated 09/06/2015 which is running into three pages and the photo copies of the Identity Cards issued by the Election Commission of India of the Respondent Nos.1(A) to 1(C) which also run into three pages is taken on record and marked as "X" collectively for identification.

7 In view of the said letter dated 09/06/2015 and having regard to the contents thereof the Petition would have to be allowed in terms of prayer clause (a) and is accordingly allowed in terms of prayer clause (a). Rule to accordingly stand disposed of in terms of prayer clause (a).

[R.M.SAVANT, J]